

different than the Miranda warnings that are in effect right now on this, that are already in force so they would cover that. So I think that we could, you know, reject the amendment and go ahead and pass the bill, that it's pretty well covered. Thank you.

PRESIDENT: Is there further discussion on Senator Beutler's motion? Do you want a closing statement, Senator Beutler? Do you wish to close, Senator?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I assure you that this particular item is not covered in the bill. It's not covered under constitutional law. It is not a constitutional right, therefore, the Miranda warnings don't pertain for a couple of reasons. First of all, it's not a constitutional right and, second of all, those aren't the types of rights that were involved in the Miranda decision. Once again, just to make it clear to you what it is that I am doing, I am not deleting the right that is stated in the bill, the new right that a person has to be told by the officer of his right to a reweighing at a permanent station. All I'm doing is saying that if the officer forgets to tell the person about the fact that he can reweigh, then that cannot be used by that citizen as a defense in an action to avoid prosecution for the offense. So that if you have a trucker that's way over the limit and he is weighed on a portable scales and the officer forgets to tell him about the right to reweighing, he is not going to get off the hook simply because they forgot to tell him about the reweighing. That is the sum and substance of the amendment and I think that it will help greatly as far as the credibility of our justice system is concerned if we don't create further situations where people get...avoid criminal prosecution for technical reasons. Thank you.

PRESIDENT: The motion is to return LB 395 to Select File for the specific amendment under discussion. All those in favor vote aye, opposed vote nay. The Chair will allow 20 seconds for you to record your vote. Please record your vote on the motion to return the bill to Select File for a specific amendment. Ten seconds. Senator Beutler, I'm going to call time.

SENATOR BEUTLER: Well, in that event...

PRESIDENT: Members, please record your vote on the motion